

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION**

**A.G., a minor child; D.A., a minor child; )  
A.L., a minor child; M.K., a minor child; )  
and M.H., a minor child; )**

**PLAINTIFFS, )**

**VS. )**

**CASE NO: 2:05-CV-1090-W**

**AUTAUGA COUNTY BOARD OF )  
EDUCATION; JOSEPH BUTLER )  
and TERRY WRIGHT, )**

**DEFENDANTS. )**

**DEFENDANTS AUTAUGA COUNTY BOARD OF EDUCATION AND  
JOSEPH L. BUTLER'S MOTION IN OPPOSITION TO PLAINTIFFS' MOTION FOR  
LEAVE TO AMEND COMPLAINT**

COME NOW defendants Autauga County Board of Education and Joseph L. Butler and respectfully oppose plaintiffs' Motion for Leave to Amend their Complaint by stating as follows:

1. This Court's January 24, 2006 Scheduling Order declared April 10, 2006 the deadline for amending the pleadings or adding parties in this matter.

2. That deadline has now passed, and no new parties were added or amendments made before April 10, 2006.

3. The Scheduling Order informs all parties that they are expected to comply with each and every provision of the order in a timely manner, and "extensions will be granted in only extraordinary unforeseeable circumstances."

4. The plaintiffs have not alleged "extraordinary unforeseeable circumstances" in their motion.

5. The plaintiffs were also allowed until February 7, 2006 to object to the deadlines,

including the deadline for amending the complaint and adding new defendants, set out in the Scheduling Order, but chose not to do so.

6. Defendants are not aware of any “new evidence” that would implicate responsibility to other parties in this case.

7. The defendants request the opportunity to address whether the “new evidence” referenced by the plaintiffs in their motion was in fact unknown until recently.

8. If such evidence was known or should have been known by the plaintiffs before April 10, 2006, leave should not be allowed for the plaintiffs to amend their complaint to add new defendants.

9. Additionally, these plaintiffs’ attorneys have filed another lawsuit on behalf of another minor plaintiff making the same allegations as were made here against these same defendants.

10. Plaintiffs have requested that the subsequently filed lawsuit be consolidated with this one.

WHEREFORE, PREMISES CONSIDERED, Defendants Autauga County Board of Education and Joseph L. Butler oppose plaintiffs’ Motion for Leave to Amend Complaint.

Respectfully submitted,

*s/Mark S. Boardman*

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**CERTIFICATE OF SERVICE**

I hereby certify that I have on this **2<sup>nd</sup>** day of **June, 2006**, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

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